

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, NOVEMBER 4, 1999  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins  
Bob Workman  
Linda Steinman  
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Kroeker, Budget & Fiscal Officer  
Dave Johnson, Deputy County Attorney  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, OCTOBER 28, 1999**

The Board requested the following corrections to the minutes:

- \* Page 2, Item 11B - Change the first sentence to reflect that the length of term for an Attention Center Board member is two, four-year terms
- \* Page 4, Item 10A - Delete the second sentence in the first paragraph
- \* Page 6, Item 5 - Change the third paragraph to read "Campbell said she could think of nine categories within the Human Service Needs Assessment Report which involve grants, including Juvenile Issues, Human Services, Sheriff, Mental Health, Housing and the Attention Center."

**MOTION:** Hudkins moved and Steinman seconded approval of the Staff Meeting Minutes dated October 28, 1999, with the noted corrections. On call Hudkins, Steinman, Workman and Campbell voted aye. Heier was absent from voting. Motion carried.

**2 ADDITIONS TO AGENDA**

- a. Parking Issues
- b. Trabert Hall
- c. Furniture for Families First & Foremost Grant Program
- d. Topics for Meeting with Mayor
- e. Legislative Meeting with Mayor
- f. One and Six Year Road and Bridge Improvement Program
- g. Visitors Promotion Committee Appointment
- h. Wireless Telecommunications Ordinance
- i. Lincoln Partnership for Economic Development Meeting Report

**MOTION:** Steinman moved and Heier seconded approval of the additions to the agenda. On call Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

### **3 COMMISSIONERS MEETING REPORTS**

- a. Ecological Advisory Committee - Heier

Heier reported that the Stormwater Management Policies will apply to the three mile zoning jurisdiction.

- b. Lincoln Partnership for Economic Development - Campbell

Campbell said a report was received from the Workforce Development Council indicating that the number of jobs will increase to 18.5 million in the next decade, but only 15 million workers will be available to fill those positions. The Gallup Organization will conduct a study of college and high school students to determine job interest. She noted that grants are available to provide customized training for employees.

### **ADDITIONS TO THE AGENDA**

- a. Parking Issues

Campbell reported that 213 requests for parking underneath the County-City Building and in the parking lots adjacent to the Election Commissioner's Office have been received.

Dave Kroeker, Budget & Fiscal Officer, stated it is his recommendation that a fee for this parking be assessed immediately rather than waiting until the beginning of the fiscal year, as previously discussed.

Steinman stated that she supports requiring elected officials to pay for parking, even if it is on a graduated basis.

Campbell noted that volunteers will be exempt from paying for parking.

Dave Johnson, Deputy County Attorney, asked if every employee would have an opportunity to request the paid parking.

Kroeker said yes, although requests would probably be prioritized by title and seniority.

In response to a question from Hudkins, Campbell stated the revenue generated by the paid parking will be used to build an additional two-deck parking garage that will serve the government complex.

Campbell noted that many others employed in the downtown area pay for parking, including those employed by the State of Nebraska. She added that free employee parking will still be provided in the South parking lot and incentives offered for use of public transportation.

Hudkins noted concern with changing the terms of employment, adding the non-represented employee group would not have a voice in any labor negotiations dealing with the parking issue.

**4 A. SPECIAL PERMIT NO. 173, WIRELESS TELECOMMUNICATIONS TOWER AT SOUTHWEST 2<sup>ND</sup> & WITTSTRUCK ROAD** - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, briefly reviewed Special Permit No. 173, a request to construct and operate a 300 foot wireless communications broadcast tower at a location of Southwest 2<sup>nd</sup> and West Wittstruck Road (Exhibit A).

DeKalb said daytime white strobe and nighttime blinking red lighting of the tower is requested by the applicant. He noted that the County's policy is to disallow strobe lighting unless required by minimum Federal Aeronautics Administration (FAA) standards, although galvanized steel with strobe lighting is the trend.

In response to a question from Workman, DeKalb stated this method would probably be less obtrusive than painting, in this instance.

**B. CHANGE OF ZONE NO. 191 & MISCELLANEOUS NO. 99002, TEXT AMENDMENT TO ZONING & SUBDIVISION REGULATIONS (FEE INCREASE)** - John Bradley, Interim Planning Director

John Bradley, Interim Planning Director, briefly reviewed *City of Lincoln/Lancaster County, Subdivision and Zoning Fee Schedules* which lists the proposed County fees and *Planning Department, Filing Fees Collected FY98-99 (Actual) - City and County* (Exhibits B & C).

**C. STREET VACATION NO. 99011, HACKBERRY LANE IN HILLCREST HEIGHTS** - Mike DeKalb, Planning Department

DeKalb briefly reviewed Street Vacation No. 99011, a petition for vacation of Hackberry Lane between Anthony Lane and Hillcrest Drive (Exhibit D), noting that the road has never been opened. He said the applicant would like to construct a second garage on the north portion of his property, the location of which would infringe on the front yard setback from the road. DeKalb reported that both the Planning Staff and Planning Commission recommended denial, due to the road's potential as a direct connection to the east and west in future development of the area.

DeKalb indicated that approval by both the City Council and County Board is required, with County Board action taking precedence.

**5 LABOR NEGOTIATIONS (EXECUTIVE SESSION)** - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager

**MOTION:** Hudkins moved and Heier seconded to enter Executive Session at 9:05 a.m. for discussion of labor negotiations. On call Heier, Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

**MOTION:** Heier moved and Workman seconded to exit Executive Session at 9:40 a.m. On call Heier, Workman and Campbell voted aye. Steinman and Hudkins were absent from voting. Motion carried.

### **ADDITIONS TO THE AGENDA**

b. Trabert Hall

Campbell reported that the director of the Day Watch Program has expressed interest in occupying single room space in Trabert Hall for clients. She noted that the close proximity of Saratoga Elementary School, St. Francis Chapel and Lancaster Manor remains a concern.

c. Furniture for Families First & Foremost Grant Program

Campbell stated the request for furniture has been referred to Kathy Smith, Assistant Purchasing Agent.

d. Topics for Meeting with Mayor

The following topics were proposed:

- \* Memorandum of understanding between the City Attorney and County Attorney with regards to conflict of interest cases
- \* Letterhead for Lincoln-Lancaster Women's Commission
- \* Lancaster County Agricultural Society Annexation
- \* Workforce Development Act

e. Legislative Meeting with Mayor

Campbell indicated that she will attend the meeting on November 17<sup>th</sup> to discuss legislative priorities with representatives of the City, Lincoln Public Schools and the University of Nebraska.

### **ADMINISTRATIVE OFFICER REPORT**

b. Lancaster County Agricultural Society

Eagan reported that plans are proceeding for annexation of the property on which the Lancaster County Agricultural Society's Event Center will be located. Contiguous land owned by the University of Nebraska will be included in the annexation. He noted that it may be necessary for the Ag Society to front costs related to water hookup, with an eventual three-way split of costs between the City, University of Nebraska and Ag Society. Sewer hookup fees will be assessed on a per acre basis.

Hudkins said it may be possible to expedite the annexation process through an Executive Order from the Mayor.

Eagan also reported that the Ag Society has agreed to seek building permits, at an estimated cost of \$32,000.

**6 BUILDING & SAFETY DEPARTMENT REVIEW** - Mike Merwick, Building & Safety Director; Ron Peery, Inspections & Enforcement Manager; Chuck Zimmerman, Plan Review Manager; Wilma McCamley, Administrative Officer

Mike Merwick, Building & Safety Director, presented the following materials (Exhibits E, F & G):

- \* *Lancaster County Permits (FY96-97, FY97-98 and FY98-99)*
- \* *Building and Safety Department Update*
- \* *Information posted on the InterLinc Website*
- \* *Building Report for the Week of October 18, 1999*
- \* *Building Permits for September, 1999*
- \* *Construction Report (Annual Totals) - City of Lincoln, Nebraska, (Number of Permits, Dwelling Units and Valuation)*

Merwick reported on complaints referred to his department, noting that the illegal mobile home park situation at 1<sup>st</sup> and McKelvie Road was filed on and a judicial decision is anticipated in the near future. He also reported that the owner of The Acreage has been notified that he must cleanup his property and comply with zoning regulations by January 1, 2000 or legal action will be taken.

Hudkins noted that there are similar problems at the Lone Oak Restaurant on West "O" Street, outside of Emerald, Nebraska.

The Board requested a follow-up on the following situations:

- \* *Junked cars on 114<sup>th</sup> & Raymond Road*
- \* *Multiple mobile homes connected to one septic system at a location south of Waverly Road and North 14<sup>th</sup>*

Merwick also reported on a situation involving the location of several commercial businesses in an Agricultural (AG) zoned district on North 7<sup>th</sup> and Fletcher Avenue and the departure of Sintek Service Company, a waste dumping concern, from its location on North 7<sup>th</sup> Street.

Merwick requested that complaint referrals be submitted in writing to Wilma McCamley, Administrative Officer, or himself, noting that investigation results will be reported back to the Board in writing.

Chuck Zimmerman, Plan Review Manager, said he will be working with Dave Johnson, Deputy County Attorney, to draft a resolution updating the County's plumbing, building, mechanical and electrical codes. He recommended that the County adopt licensing requirements for plumbing and mechanical contractors, noting that electrical contractors are covered by state law.

Ron Peery, Inspections & Enforcement Manager, said testing is offered quarterly, but licensing will also be contingent upon fulfillment of journeyman requirements.

Hudkins noted concern regarding the impact of licensing requirements on those servicing rural wells.

Merwick agreed to follow-up with those parties.

In response to a question from Workman, Perry stated that homeowners making improvements will not be required to make upgrades unless a hazard is posed or there is a connection to the addition that does not meet the code. He added that owners of parcels greater than 20 acres in size are exempt from building permit requirements.

Eagan noted that the Rural Address Committee has recommended that the County seek legislative change to require building permits for all residences.

In response to a question from Campbell, Dave Johnson, Deputy County Attorney, stated that a recent interpretation of a "farm" by the State Property Tax Administrator only relates to taxable value, not zoning.

Brief discussion took place on the Lancaster County Agricultural Society annexation, with Merwick indicating that annexation will extend from 84<sup>th</sup> and Havelock Avenue to Mahoney Park, and back west to the City limits.

Merwick also provided a brief update on bomb threat procedure and agreed to provide an article of explanation in the County newsletter.

McCamley reviewed Building & Safety's financial arrangement with the County and Perry gave a brief explanation of Building & Safety's inspection coverage of the County, which is done on a quadrant basis.

## **7 BONDING AUTHORITY FOR RAILROAD TRANSPORTATION SAFETY DISTRICT** - Roger Figard, City Engineer

Roger Figard, City Engineer, disseminated information with regards to the following (Exhibit H):

- \* *Railroad Transportation Safety District, 1999-2009 Capital Improvement Program*
- \* *Railroad Transportation Safety District, Flow of Funds Statement As of September 24, 1999*

- \* Burlington Northern/Santa Fe (BNSF) Railway - Railroad Transportation Safety District Project
- \* *Railroad Transportation Safety District (RTSD) Cash Flow Projection*

Figard also distributed a copy of minutes of the Pre-Council Meeting held November 1, 1999 at which the RTSD bonding issue was discussed (Exhibit I). He noted that Councilman Fortenberry had expressed concern about the RTSD being a separate taxing authority and had suggested that it operate under a city agency, such as the Public Works and Utilities Department. Figard said he was concerned that this would impact the broader County context of the RTSD.

Figard requested support of legislation to reinstate the Railroad Transportation Safety District's bonding authority, as it existed prior to 1995. This bonding authority could be instituted by the RTSD Board, rather than requiring a general vote of the people, and could be used for unique projects that lack specific funding. He added that the RTSD would continue to operate on a yearly tax levy, based on proven projects and cash flow.

**MOTION:** Workman moved and Steinman seconded to support legislation to allow the Railroad Transportation Safety District to have bonding authority, in conformance with its initial legislation. On call Workman, Steinman, Campbell and Heier voted aye. Hudkins was absent from voting. Motion carried.

**8 RECOMMENDATION FROM PENSION REVIEW COMMITTEE** - Peter Dyker, Nationwide Financial Services; Members of the Pension Review Committee

Eagan stated that the Pension Review Committee had been asked to review investment of the employer contribution to the pension plan and amendment of the plan to allow employees in the unrepresented, unclassified class to participate immediately upon hire. He noted that a County Attorney opinion addressing the issue of investment of employer funds was reviewed as part of that process (See Exhibit J).

Eagan stated the *Pension Review Committee Recommendations on Investment of Employer Contribution* ( Exhibit J) are as follows:

1. Allow employees to direct the investment of the employer contribution in accordance with the investment options presently offered under the Lancaster County Employees Retirement Plan
2. With regards to employer funds presently in the fixed account, each employee can not move more than 20 percent, per year, of their portion
3. Implementation of this change should be delayed for a period of one month after its adoption for the purpose of educating employees about their investment options
4. The quarterly statement should be used to notify inactive pension plan participants of the change

Eagan explained that this policy will allow employees control over non-vested funds.

Doug Cyr, Deputy County Attorney, noted that the 20 percent of employer funds allowed to be transferred out of the fixed account each year refers to the aggregate, rather than individual accounts.

Peter Dyker, Nationwide Financial Services, distributed copies of MoneyGuide (Exhibit K) and explained that a rush of transfers from the fixed account is not anticipated. Education through group meetings is planned in which a broad range of investments that includes fixed accounts will be encouraged. He added there will be a three month period in which three million dollars in excess of the aggregate will be made available for transfers from the fixed account.

In response to a question from Steinman, Cyr stated that forfeiture of funds will remain in the pension plan and offset future employer contributions.

Eagan noted that investment of forfeited funds is an issue that still needs to be addressed.

**MOTION:** Steinman moved and Workman seconded to authorize development of a policy that will allow elected officials and appointed directors to be fully vested in the pension plan, effective upon their date of hire. On call Steinman, Workman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

#### **ADDITIONS TO THE AGENDA**

- f. One and Six Year Road and Bridge Improvement Program

Workman commented briefly on the proposed One and Six Year Road and Bridge Improvement Program, noting concern regarding alternatives suggested at the public hearing and comments made by the County Engineer with regards to falling behind in paving projects.

The Board scheduled a special Staff Meeting immediately following the County Board of Commissioners Meeting on Tuesday, November 9<sup>th</sup> to allow for further discussion with the County Engineer.

- g. Visitors Promotion Committee Appointment

Eagan reported on a recommendation from Mark Essman, Lincoln Convention & Visitors Bureau Director, that Mark Lutz of the Northeast Restaurant Association be selected to complete the term of Nora Gobel-George (Exhibit L).

Steinman noted that representation by the restaurant industry will be beneficial.

**NOTE:** The Board will take action on the appointment at the Tuesday, November 9<sup>th</sup> County Board of Commissioners Meeting.

- h. Wireless Telecommunications Ordinance

Eagan reported that revisions have been made to the Wireless Telecommunications Ordinance. Copies will be mailed to members of the industry on November 12<sup>th</sup>, but further meetings with industry representatives are not planned.

**NOTE:** A further briefing on the Wireless Telecommunications Ordinance is scheduled for the County Board on November 16th.

## **9 ACTION ITEMS**

- a. Request from Terry Lowe, Information Services Project Manager, to Upgrade the Operating Systems on the County InterLinc PC's, \$1,100 or \$1,320, Depending on Need for Memory Upgrades, from the Microcomputer Fund

**MOTION:** Steinman moved and Heier seconded approval of the request. On call Steinman, Heier, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

- b. Request from District Court Probation for Various Pieces of Printing Hardware, \$1,032.44 from the Microcomputer Fund

**MOTION:** Heier moved and Steinman seconded approval of the request. On call Heier, Steinman, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

- c. Correction of Clerical Error on Execution of Molex IDB Termination

**MOTION:** Steinman moved and Workman seconded approval of the correction. On call Steinman, Workman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

## **10 CONSENT ITEMS**

- a. Vacation Request from Dave Kroeker, Budget & Fiscal Officer, for Monday, November 8 and Wednesday, November 10, 1999

**MOTION:** Heier moved and Workman seconded approval of the Consent Item. On call Heier, Workman, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

## **11 ADMINISTRATIVE OFFICER REPORT**

- a. Procedures for Payroll Deductions and Distribution of Information with Paychecks

Dave Johnson, Deputy County Attorney, briefly reviewed a revised draft of the *Procedures for Payroll Deductions and Distribution of Information with Paychecks* (Commissioners' Information Packet).

The Board requested the following revisions:

- \* Add headings, in bold type, to identify sections addressing deductions and distribution of materials
- \* Add a statement that the County Board may include information with paychecks, at its discretion

Board consensus to delay letters to Pre-Paid Legal Services, Inc. and employees currently taking a payroll deduction for their service until one week following formal action on the policy.

- b. Lancaster County Agricultural Society

This item was moved forward on the agenda.

#### **CONTINUED DISCUSSION OF ITEM 2A**

Dave Kroeker, Budget & Fiscal Officer, briefly reviewed an employee parking revenue estimate (Exhibit M).

#### **16 AGENDA ITEMS FOR COUNTY BOARD MEETING OF NOVEMBER 9, 1999**

- a. Attention Center Community Advisory Committee Reappointments - Sherrie Manning and Bill Bryant

#### **ADJOURNMENT**

At the direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk